

CLASSIFICATION OFFICE DECISION

Title of publication: 4e7fe4ccb7d31f1fc527331ffcad0f00.4[1]

Other known title(s): Not stated

OFLC ref: 1900317.009

Medium: Image File

Publisher: Not stated

Country of origin: Not stated

Language: Not applicable

Applicant: Commissioner of Police

Classification:	Objectionable except if the availability of the publication is restricted to persons who have attained the age of 16 years.
------------------------	---

Descriptive note: None

Display conditions: None

Date of entry in Register: 26 September 2019

Date of direction to issue a label: No direction to issue a label has been issued

Date of notice of decision: 25 September 2019

Summary of reasons for decision:

The image file features a teenage boy and naked girl whose positioning suggests a sexual situation. The Classification Office has considered whether the publication promotes or supports, or tends to promote or support, the exploitation of young persons for sexual purposes and concluded that it does not, nor is the image exploitative of the girl's nudity. While the image is provocative and sexy it is not overtly sexual in its depiction of sexual conduct involving young persons. However, the image is still likely to be injurious to the public good if left unrestricted. The image depicts subjects who are young persons in a sexual situation but it does not explicitly depict genital nudity or sexual activity, nor is the tone overtly sexual enough to require a high age restriction. Taking into account the right to freedom of expression contained in the New Zealand Bill of Rights Act 1990, a restriction to those aged 16 and over is the lowest reasonable limitation on that right in order to prevent injury to the public good.